

[SEE SIGNATURE PAGE FOR PARTIES AND COUNSEL OF RECORD]

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

ACER, INC., ACER AMERICA
CORPORATION and GATEWAY, INC.,

Plaintiffs,

v.

TECHNOLOGY PROPERTIES
LIMITED, PATRIOT SCIENTIFIC
CORPORATION, and ALLIACENSE
LIMITED,

Defendants.

Case No. 5:08-cv-00877 JF HRL

**STIPULATION CONTINUING CASE
SCHEDULING DATES**

[RELATED CASES]

HTC CORPORATION, HTC AMERICA,
INC.,

Plaintiffs,

v.

TECHNOLOGY PROPERTIES
LIMITED, PATRIOT SCIENTIFIC
CORPORATION, and ALLIACENSE
LIMITED,

Defendants.

Case No. 5:08-cv-00882 JF HRL

1 BARCO N.V., a Belgian corporation,

Case No. 5:08-cv-05398 JF HRL

2 Plaintiff,

3 v.

4 TECHNOLOGY PROPERTIES LTD.,
5 PATRIOT SCIENTIFIC CORP.,
6 ALLIACENSE LTD.,

7 Defendants.

8 The parties in these three related cases, Acer, Inc., Acer America, Inc. and Gateway, Inc.
9 (collectively "Acer"), Barco, N.V. ("Barco"), HTC Corp. and HTC America, Inc. (collectively
10 "HTC") (Acer, Barco and HTC collectively "Plaintiffs"); and Technology Properties Ltd., Patriot
11 Scientific Corp. and Alliacense, Ltd. (collectively "TPL" or "Defendants"), pursuant to Northern
12 District of California Civil Local Rule 6-2, make this stipulated requested for an order continuing
13 case scheduling dates with reference to the following facts:

14 **WHEREAS**, on February 22, 2010 this Court entered an Order establishing a case
15 schedule following a Case Management Conference;

16 **WHEREAS**, on May 19, 2010 this Court entered an amended scheduling order;

17 **WHEREAS**, on September 20, 2010 this Court entered another amended scheduling
18 order establishing the currently operative schedule ("Current Scheduling Order");

19 **WHEREAS**, no claim construction hearing has been scheduled, so no adjustments to the
20 Court's calendar are needed if the Current Scheduling Order is further amended;

21 **WHEREAS**, in the Current Scheduling Order, the deadline to file with the Court the
22 parties' joint claim construction and pre-hearing statement ("Statement") is October 21, 2010;

23 **WHEREAS**, the parties have diligently met and conferred as to claim construction and
24 have made significant progress;

25 **WHEREAS**, because Barco's counsel have been traveling in Asia during the past week, it
26 is difficult for Barco to meet the October 21, 2010 deadline;

27 **WHEREAS**, because of the scheduling conflicts caused by the time difference between
28 Asia and California, parties have been recently unable to schedule conference calls in which all

counsel of record could participate to finalize the Statement for filing with the Court by October 21, 2010;

WHEREAS, the parties met and conferred as to these issues, and agreed that the Scheduling Order be modified as follows to allow more time to finalize the Statement;

ACCORDINGLY, it is **HEREBY STIPULATED** by and among the parties and their counsel of record, who respectfully request that the Court order the dates in the Current Scheduling Order be modified as follows (under the "Proposed" column):

Event	Date	
	Current	Proposed
Last day to file joint claim construction and pre-hearing statement	October 21, 2010	October 28, 2010
Claim construction discovery cut-off	November 19, 2010	November 29, 2010
Defendants' opening claim construction brief	December 2, 2010	December 9, 2010
Plaintiffs' responsive claim construction brief	January 14, 2011	January 21, 2011
Defendants' reply claim construction brief	February 4, 2011	February 11, 2011
Patent Technology Tutorial*	*If requested by the Court Approximately 20 days after reply claim construction brief	
Claim construction hearing	To be determined	
Status conference	Three weeks after the claim construction hearing	
Final infringement contentions ¹	30 days after the claim construction ruling	

^{1 2} These two deadlines for final infringement and final invalidity contentions only apply to case nos. 5:08-cv-0877 (*Acer v. TPL*) and 5:08cv-0882 (*HTC v. TPL*). Case no. 5:08-cv-05398 (*Barco v. TPL*) was filed in December 2008 and operates under the Patent Local Rules that were in effect after March 2008, which do not provide for final infringement or invalidity contentions absent leave from Court.

Event	Date	
	Current	Proposed
Final invalidity contentions ²	50 days after the claim construction ruling	
Defendants to serve willfulness documents; opinion of counsel	50 days after the claim construction ruling	
Close of fact discovery	Six months after the final invalidity contentions	
Initial expert reports	30 days after the close of fact discovery	
Rebuttal expert reports	30 days after the initial expert reports	
Close of expert discovery	Two weeks after the rebuttal expert reports	
Trial	To be determined	

Dated: October 21, 2010

FARELLA BRAUN + MARTEL LLP

By: /s/ Stephanie Powers Skaff

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*Attorneys for Technology Properties Ltd.,
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1 Dated: October 21, 2010

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3 By: _____/s/
4 Charles T. Hoge

5 *Attorneys for Patriot Scientific
6 Corporation*

7 Dated: October 21, 2010

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23 Dated: October 21, 2010

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1 Dated: October 21, 2010

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Attorneys for Barco, N.V.

11 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

12
13 Dated: 10/25/10
14 _____, 2010


15 THE HONORABLE JEREMY FOGEL
16 UNITED STATES DISTRICT JUDGE
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ATTESTATION PER GENERAL ORDER 45

I, Stephanie Powers Skaff, am the ECF User whose ID and password are being used to file this Stipulation. In compliance with General Order 45, X.B., I hereby attest that the counsel listed above have concurred with this filing.

Dated: October 21, 2010

FARELLA BRAUN + MARTEL LLP

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